

**AMENDMENT**

Serial Number: 10/753,897

Filing Date: January 8, 2004

Title: Apparatus and Process for Forming Pet Treats

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**REMARKS**

The Official Action mailed January 29, 2007 has been carefully considered. Claims 26-33 are pending in the application and stand rejected. Claims 26, 31 and 32 have been amended. Claims 36 and 37 have been added. Reconsideration and allowance of the subject application are respectfully requested based on the amendments and arguments presented herein.

Claims 26, 31 and 32 have been amended to replace “y” with the phrase “the moisture level.” No new matter is believed to have been entered by this amendment. More specifically, support may be found in paragraph [0028] of the published specification, which recites:

“In accordance with the certain aspects of the present invention, it is therefore noted that while avoiding the need for a procedure such as injection molding, or for that matter conventional extrusion, the method herein provides a base material and binder composition that has an initial selected moisture level of preferably at or below 50% (wt). Accordingly, any range of moisture at or below 50% (wt) is contemplated, without limitation. Then, in the process of the manufacture of the treat or chew, the moisture level is preferably reduced to a level of at or below 15% (wt), including any range of moisture at or below such level. Therefore, for example purposes only, it is preferable that the initial moisture level of the base material and binder may be about 40-45% (wt), and the moisture level of the treat or chew ultimately produced is at or below 15% (wt). Alternatively, the initial moisture level may be about 20-25% (wt), and the final moisture level may be about 10-12% (wt).” (Emphasis added.)

In addition, claims 36 and 37 have been added. Support for which may be found in paragraph [0038] of the published application which recites:

“In a variation of the above, it should be appreciated that a layer of a second material may be laminated on or consolidated with the produced sheetstock. Such second layer may include a composition with different components than a first sheet layer. Advantageously, such second layer may also be provided in the form of a sheet and is conveniently produced according to the general features of the present invention. This second layer may also be applied to the basic sheet composition prior to the mill rolling process, or after the composition is converted into a sheet, to thereby provide a product with two or more distinct layers of edible components.”

No new matter is believed to have been added by this amendment.

Claims 26-33 stand rejected under 35USC §112, first paragraph as it was asserted that “[t]here does not appear to be support for defining the intermediate moisture level produced

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solely by the screw conveyor as being equal to the “final moisture level” produced after drying and cutting as disclosed on page 4 of the application.”

As can be seen from the above the application clearly recited that one may start with a moisture level of about 50%, and “in the process of manufacture of the treat or chew, the moisture level is preferably reduced to a level of at or below 15% (wt).” The specification then goes on to recite, in the same context, that alternatively, the initial moisture level may be about 20-25% (wt) and the final moisture level may be about 10-12% (wt). Accordingly a person of ordinary skill in the art would clearly understand that, as described in paragraph [0028] of the published application, a reduced moisture content of the indicated values could be achieved according to the procedures recited in paragraph [0028] of the published application, which do not implicate the separate step of cutting and drying.

To further clarify any confusion that the use of the term “y” may have presented to the Examiner, as noted above, the Applicants have replaced “y” with the phrase “the moisture level,” which is clearly supported in paragraph [0028] of the specification.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

No claim fee is believed necessary as the number of independent claims (1) and total number of claims (10) does not exceed the number of independent claims and total claims paid at the time of filing the application. In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account 50-2121.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

Respectfully submitted,

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